



City of Albuquerque

Legislative File Number O-05-103 (version 1)

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

Annexation, 04epc-00788, Annexing 12 Acres, More Or Less, Located North Of Interstate 40 Between 118th Street NW And 98th Street NW, And Amending The Zone Map To Establish Su-2 For R-Lt Zoning.

CITY of ALBUQUERQUE SIXTEENTH COUNCIL

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. AREA PROPOSED FOR ANNEXATION. The owners of the area annexed hereby presented a properly signed petition to annex the following territory 12 acres, more or less, located north of Interstate 40 between 118th Street NW and 98th Street NW; and more particularly described as follows:

- A. Tract(s) 16, 17, 18, 19, and 20, Town of Atrisco Grant
- B. All of the right-of-way adjoining the land described in subsection A above, to the extent it is not already in the City.

Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 above is designated Developing Urban in the *Comprehensive Plan* which makes it suitable for annexation per Section 1, *Resolution 54-1990* the City's Annexation Policies. The petition for annexation meets the requirements of *Resolution 54-1990* because the site is contiguous to the City boundaries (Section 1.d); has adequate street access (Section 1.e); and because the applicant has entered into a pre-annexation agreement (Section 1.b). On December 10, 2004, Impact Fees were officially adopted by the City of Albuquerque. Any development will be subject to the impact fee legislation. Therefore, the area specified in Section 1 above is hereby annexed.

Section 3. ZONE MAP AMENDED. The establishment of SU-2/R-LT zoning is appropriate because it is similar to surrounding zoning and densities and will provide

stability to the area.

Section 4. Therefore, the zone map adopted by Section 14-16-1-1 et. Seq. R.O.A. 1994 is hereby amended, establishing SU-2/R-LT zoning and densities of 5.5 dwelling units per acre for the area specified in Section 1 above.

Section 5. FINDINGS ACCEPTED. The Council shall adopt the following zone map amendment findings recommended by the Environmental Planning Commission on November 18, 2004:

1. This is a request for Establishment of SU-2/R-LT zoning for Tract(s) 16, 17, 18, 19, and 20, Town of Atrisco Grant, located north of Interstate 40 between 118th Street NW and 98th Street NW and containing approximately 12 acres. The subject site is currently zoned County A-1.
2. The applicant requests SU-2/R-LT zoning in order to develop up to 67 homes on the site for an overall gross density of 5.5 dwelling units per acre. The proposed zoning and residential density is similar to surrounding zoning and densities.
3. The subject site is within the Developing Urban Area of the *Comprehensive Plan*. The request for SU-2/R-LT zoning furthers Policy 5a of the *Comprehensive Plan* by proposing an appropriate residential density that will encourage a quality urban environment. The proposed zoning, SU-2/R-LT and densities of 5.5 dwelling units per acre, will respect existing neighborhood values as recommended in Policy 5d because the area surrounding the site is similarly zoned and developed/developing at a similar density.
4. The subject site is located in the Westland North Community of the *West Side Strategic Plan* (WSSP). The request for establishment of SU-2 for R-LT zoning allows residential densities that are within the densities allowed by the Planned Community Standards as recommended in Policy 3.54 of the WSSP. In addition, SU-2 for R-LT zoning will allow urban-style development and densities in the Westland North Community per Policy 3.59 of the WSSP.
5. Policy 2.5 of the *West Side Strategic Plan* recommends that the City Planning Department consider whether local public schools have sufficient capacity to support an increase in the number of homes. The site is located within the West Mesa High School, Jimmy Carter Middle School, and Painted

Sky Elementary School Districts, all of which are experiencing overcrowding.

6. The request for SU-2 for R-LT is consistent with the Land Use and Zoning Plan (Exhibit 10, page 39) of the *Westland Master Plan* that recommends overall residential densities of 5.5 dwelling units per acre on the subject site.

7. There is no known opposition to this request.

Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 7. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary and when a plat of the territory hereby annexed is filed in the office of the County Clerk.